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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,019	07/25/2001	Ira J. Simon	10384	9665

7590 12/24/2003

David Weiss
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EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,019

Applicant(s)

SIMON ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23-33 and 35-53 is/are pending in the application.
- 4a) Of the above claim(s) 46-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18,25-30,33,35-38 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 1-8,19-21,23,24,31,32,39,40,44 and 45 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim 25 is objected to because of the following informalities: In claim 25, line 13, "cylinder" is incorrectly spelled. In claim 25, line 14, "rotatable" should read – rotatably--. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8, 19-21, 23, 31, 39, 40, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (754) in view of Best et al (101) and Mullich et al.

Jones teaches a trim pull handle plate 37, 43, 44, a cylindrical 24 lock apparatus including a bolt 16, a lock body 17, a spindle 24 (or a spindle defined by the portion of element 22 which is engaged in socket 24), a conical attachment plate 26 with an opening in registry with the trim plate opening to receive the mortise cylinder lock including a housing 23 and a rotatable cylinder (or key plug), a handle 25 secured to the spindle, and a cam 22 secured to and rotatable with the cylinder, and securing means 33 extending from the housing 29 through the lock body 17 and into the cylinder lock 23 whereby the lock body 17 is secured to the trim plate independently of the door and

inwardly of the trim plate, and the housing 23 is secured to the trim plate independently of the door and outwardly of the lock body 17. The openings at 27 of the attachment plate and the trim plate allow the cylinder 23 to be removed relative to the attachment plate and trim plate leftwardly in fig. 1 after the screws 33 are removed. Best et al (101) teaches a key cylinder and knob 17 used with a latchbolt 10. Mullich et al teaches a retractor 88 used with a bolt and spindle/cam 48 and allowing the use of screw 54 extending through the lock body 80 as seen in fig. 8. To utilize a latchbolt with the lock of Jones would have been obvious in view of the teaching of Best et al, to allow the bolt to be projected upon closing the door. To utilize a retractor with the cam/spindle 22, 24 of Jones, would have been obvious in view of the teaching of Mullich et al, to transfer key and handle 25 movement to sliding movement of the bolt.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Jones reference as applied to claims 1 and 23 above, and further in view of the Photograph of door pull manufactured by Triangle Brass Manufacturing. The Photograph teaches a door pull with tapering top and bottom edges. To substitute a trim plate with a tapering door pull for the trim plate of Jones, would have been obvious in view of the teaching of the Photograph, to provide a large gripping surface portion, to simplify opening of the door.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Jones reference as applied to claim 31 above, and further in view of Shen (760).

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Shen teaches trim and attachment plates 11, 12 adapting a lock 30 for removal capabilities upon rotation of a key cylinder. To modify the trim and attachment plates of Jones to allow cylinder removal upon key rotation, would have been obvious in view of the teaching of Shen, the motivation being to allow a re-keyed lock to be installed to optimize security, as is well known in the lock art.

Applicant's arguments filed October 14, 2003 have been fully considered but they are not persuasive. Applicants' remarks on pages 24-26 with respect to the above rejections are not persuasive in overcoming the rejections. It is first noted that the lock of the instant invention is also dependent on the door, since the posts 116 extend through bores 124 of the door, and are engaged by threaded fasteners 128 extending through the rose 120 from the opposite side of the door. It is also noted that the claims are not positively claiming the door. Accordingly, applicants' limitations and remarks concerning the lock with respect to an inferentially claimed door, are of no patentable significance. Further, all of the components of the lock of the modified Jones reference are capable of being secured together without a door.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claims 9-18, 25-30, 33, 35-38 and 41-43 are allowed.

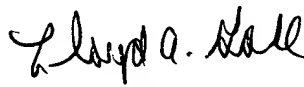
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

LG LG
December 22, 2003


Lloyd A. Gall
Primary Examiner